City of Peachtree City
Minutes of Meeting
March 6, 2003
7:00 p.m.

The City Council of Peachtree City met Thursday, March 6, 2003, 7:05 p.m., in the City Hall Council Chambers. Council Members attending were: Mayor Steve Brown, Annie McMenamin, Steve Rapson, Dan Tennant, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown proclaimed the week of March 9-15 as Girl Scout Week. March 6 was proclaimed Howard A. Morgan Day in recognition of the former mayor's contributions.

Approval of Minutes

Tennant moved to approve the February 20, 2003, minutes as written. Rapson seconded. The motion carried 4-0-1 (McMenamin).

Consent Agenda

1. **Alcoholic Beverage License – Change in Licensee and License Representative – Publix #799**
2. **Alcoholic Beverage License – Change in License Representative – Chic'N D'Lite**
3. **Submit Stormwater Certification for Public Works Facility**
4. **Consider Resolution Regarding Bridge Lighting Assistance over CSX Railroad on Highway 54**

Tennant moved to approve Consent Agenda Items 1-4 as submitted. Rapson seconded. McMenamin noted that the change in license representative for Chic'N D'Lite was quick. The motion carried unanimously.

Old Agenda Items

06-02-03 Consider Dog Park Funding

Rapson said the idea for the dog park started in March 2002 and the idea had been debated and talked about. There were several concerns and Council Member Weed had gone to the drawing board and worked with the Dog Park Committee, which was now an official subcommittee of the Recreation Commission. Rapson suggested Council follow the same logic it used for the All Children's Playground and give the Dog Park Committee $5,000 as seed money so the committee can form a non-profit organization and raise their own funds.

Several Dog Park Committee members and residents addressed Council. Those addressing Council included Carol Bryant, finance chairman for the committee, Robin Lorber, Brenda Cook, Dawn Johnson, Debbie Condon, Fred Bryant, Jill Church, Gary Rower, Mark Hyde, and Carol Fritz.

Carol Bryant explained the Dog Park Committee's set-up to Council. She said there were four subcommittees – facilities, publicity, organizational (looking into nonprofit status), and finance. She said she had done a lot of research into dog park facilities. There were approximately 660 parks in the U.S. The studies showed that people who used the parks were self-policing. The end result of such facilities was better-behaved canine citizens. Bryant said it was not about dogs, but about the dog owners who lived in the City. She continued that their dogs were their recreation. Bryant said they were outlining a fundraising plan and would go to businesses and private individuals with a sponsorship plan. Ideas included selling bricks for the walkway, such as at the All Children's Playground.

McMenamin said she was not against dogs; her concern was the money. She said her constituents would have her tarred and feathered if she approved $5,000 for seed money for the dog park. She continued there were unfunded projects and most dog parks were privately owned. She added that Council gave the All Children's Playground $5,000 seed money for a $150,000 project. For the amounts to be comparable, Council would provide the committee with about $350.

Bryant noted that in her research, as well as the research of other committee members, 99% of dog park facilities were on public land, or were maintained by a city.

Major points raised by those supporting and opposing the proposal included:

- The facility would be for families and children, as well as dogs.
- Concerns about responsible pet owners and liability issues
- City already donated the land and economic times were difficult.
- The park would enhance the quality of life in the City.
- The park would be an extension of the family atmosphere and would be safe, controlled, and monitored.
- Public safety should come first and who would be responsible if the committee fell apart.
- Cause was worthy, but it was unnecessary.
- If Council could not fulfill public safety budget requests, then money should not be wasted on the dog park.
- Suggestion that small amounts be donated annually rather than a lump sum.
- Group heading in right direction, but would like to see the committee raise some money first.

Rapson said he felt the dog park was a need for the community. He continued that, if there was something crucial needed for public safety, then the budget would be reshuffled so the City could get it. He continued that the directors and chiefs had the ability to redirect funds within their existing budget or to approach the City Manager who could allocate funds from the $240,000 in the PIP contingency fund to address public safety funding issues. To compare the dog park to public safety was misleading. Rapson said the City was in a sound financial position. He pointed out that taxes would not be raised because of the dog park and that $5,000 was less than two percent of the Council Contingency Fund. He said they were talking about an amenity that cost less than $15,000 and would last forever. Rapson clarified that no one had voiced opposition or disagreed that the dog park was not a good idea, except for Gary Rower. Rapson added three of the 31 people on the Dog Park Committee did not live in the City. If the project were prorated, based on those numbers, the City should fund 90% of the park, which was $12,735.

Tennant noted that everyone had made good points and that it was not an easy decision for Council. He concurred with those who said the park was unnecessary, but said the question was whether or not the park was a worthwhile investment. The City was famous for being family-friendly and Tennant said he suspected the dog park was a worthwhile investment for $5,000.

Rapson moved to approve the $5,000 from Council Contingency as outlined. Tennant seconded.

Brown said he heard two main complaints from citizens – golf carts did not give audible warnings when passing people on the paths and dogs were running loose on the paths. He added the dog park would be an inexpensive, long-term asset.

Weed said the dog park idea was suggested to him and he had sponsored it. He continued that the committee had met every challenge put before it. Weed said the money would not simply go to pay for literature or press releases, but would go for a water fountain that would serve people and dogs. Weed added that the presidents of the roller hockey and lacrosse associations felt the water fountain would be a good idea. The fountain would be located near the rink used by the associations.

Rapson clarified that it was solely his idea to put the request for the $5,000 on the agenda. Rapson noted that no member of the dog park committee or Council Member Weed had approached him to make this request. The committee had met all of his concerns.

The motion carried 4-1 (McMenamin).

02-03-06 Alcoholic Beverage License – NEW – Buckhead Brewery & Grill, Inc.
Bruce Nicely, the applicant for licensee, addressed Council. He said they were excited about the restaurant, which would be the fifth unit. The restaurant was scheduled to open in late April. Nicely continued that the restaurant would be a significant addition to the community and would sponsor events in the community. He noted that Buckhead Brewery had sponsored an angel tree for local humane societies in the past. Nicely suggested the money from this restaurant could go to help the dog park.

Tennant moved to approve the alcoholic beverage license as submitted with Bruce Nicely as the licensee and Terrie Andrews as the license representative. Rapson seconded. The motion carried unanimously.

<u>New Agenda Items</u>

03-03-01 Update on Field of Hope

Nick Harris updated Council on the efforts for the Field of Hope. Harris, the father of a child with disabilities, said he had probably spent 2,000 hours a year for three years on the baseball field designed for children with any disability to play baseball. Harris thanked Council for their efforts and said his committee was very excited about doing the right thing for children.

Harris continued that three years ago the Challenger League served 2,400 children. Today, the league served over 2,600. Council gave the land at the South 74 Complex for the Field at Hope. The Field of Hope had 501(C)(3) status and to date had raised $257,000 worth of in-kind gifts and services and $68,000 in cash. Harris related that the field needed sewer service rather than septic and he recently found someone who was willing to do the $40,000 worth of work for nothing.

Harris said the second annual Country Clash was scheduled on Sunday, March 23, at the South 74 Complex. The event marked the opening day of the Little League season. The Country Clash held last summer netted the Field of Hope $27,000 in six hours. Harris said they hoped to raise $50,000 on March 23. The cost was $10 a carload.

The target date to open the baseball fields was September 20. Harris thanked Group VI and said they would not be at this point without the company's support. Harris said if they ran short of cash, the concession stand would be deferred. The committee was still in need of a major sponsor. When completed, the field would serve 30,000 children in the south metro area. The Field of Hope had already been asked to host the 2nd Annual Challenger Tournament and was working with the Special Olympics on a program for those over the age of 21. Harris continued that President Bush had accepted an invitation to throw out the first pitch at the fields based on his availability.

Brown asked Harris if they had considered expanding into rural areas so they would be eligible for DCA funds. Harris said children from several rural counties participated in the Challenger program and that various Rotary Clubs had formed a council to raise money for the project. Brown said the Council, as a government entity, could also help get in touch with agencies.

03-03-02 Discuss Taxpayer Concern over Debt and Operations Related to Venues Managed by the Development Authority

Dave Gardner, Bill McDonald, and Ron Small addressed Council with prepared statements regarding their concerns about the Tennis Center and Amphitheater. All three told Council they were founding members of the Tennis Center. A copy of each person's prepared remarks was included in the official meeting file.

Their major points of concern included the following:

- Virgil Christian and Tennis Center management
- Tennis Center Expenses
- Both facilities operating at a loss
- Increase in Amphitheater ticket prices and Tennis Center fees
- Expenses not tracking to budget
- Problems with slippery indoor courts
- Tennis Center being turned into teaching center vs. recreation for residents
- Pros using courts, but not paying fees
- Pros not interacting with members
- Virgil Christian and pros' compensation
- Hosting tournaments at a deficit
- Problems with restaurant rental income
- No plans in budget to adequately maintain facilities
- Development Authority debt
- Development Authority should spend time on attracting industry, not running venues
- Use of space at the center for Clayton State University satellite facility

Gardner addressed Council first. Among his recommendations was that Council settle the lawsuit filed by former Amphitheater Director Kristi Rapson against the Development Authority. Gardner said he understood that the lawsuit involved gender discrimination and was taken on a contingency basis, which indicated the attorneys felt they would win. Tennant asked Gardner if he was familiar with the specifics of the lawsuit. Gardner said no, but it was a gender lawsuit and Rapson was a woman. Tennant told Gardner it was highly inappropriate to make that suggestion when he did not know all the facts.

McMenamin asked Gardner how he got the documents he referred to, from the City or the Development Authority. Gardner said he got his information through open records requests to the Tennis Center and the City. Brown added that he also made open records requests to the Development Authority and he had given Gardner some of those papers. Brown added he was still waiting for some items.

Gardner also suggested that the City require Paul Salvatore, the City's financial services director, to go review all future Development Authority financial commitments and contracts to ensure they were sound. Brown told Gardner that Council and the Development Authority were two autonomous bodies and it was not Salvatore's place to review the Development Authority's contracts and loans. Council was not required to approve anything done by the Development Authority.

McDonald then addressed Council, noting his experience in operating tennis centers and pro shops. His concerns were more directly related to Virgil Christian's management and compensation. Tennant asked McDonald if he had discussed his concerns with Christian one-on-one. McDonald said no, but he had spoken to members of the Development

Authority informally. McMenamin asked McDonald if he had asked to be placed on a Development Authority agenda so he could discuss his concerns at a meeting. McDonald said no, but he had spoken several times to individual Authority members about his concerns.

Tennant stated that Clayton State would not be in the County if not for Christian. McMenamin added that Council fully supported bringing Clayton State to the Tennis Center. She said the County had been trying to get a college here for 20 years and the space at the Tennis Center facility provided a unique opportunity to get a college in the County.

Tennant said he was not interested in any more speeches and moved to terminate more speeches like this one. Weed seconded for the purposes of discussion.

Weed said he had always been against holding open forums and "open mike night" in the City. He continued that Tennant, Rapson, and Brown had always said they would hear people out, no matter what they were saying, but that they could not then choose to hear only the statements with which they agreed. Tennant said that everybody had the right to express an opinion, but not to vilify a person and spew venom. Brown said he would provide Christian an opportunity to reply and that, as someone to whom the same thing happened, he would have been happy to be allowed to speak. Tennant said he did not want to hear more individual crucifying speeches and withdrew his motion.

Following Small's statement to Council, Tennant asked if he had attempted to discuss his concerns with the Development Authority or with Christian. He asked Small if he understood that it seemed antagonistic to get an Open Records Request as opposed to a telephone call. Small said he had pulled Christian aside several times to talk, but had not taken his concerns to a Development Authority meeting.

Mayor Brown then offered Christian an opportunity to respond to the statements, and Christian declined.

Development Authority member Bob Brooks spoke, extending an invitation to Gardner, McDonald and Small to attend a Development Authority meeting. He said they would explain the issues. Brooks continued that there were some conceptual issues that went back 10-12 years and there had been a significant change in the City. Brooks said it did not make sense to go over all the history in this forum, but the history would help to clarify some issues. Brooks said he was surprised at the misinformation in the three statements. The Development Authority did not decide to build the Tennis Center. The initial groundwork was a Council reaction to a demand by residents for more tennis. Hundreds of individuals gave input. Brooks noted there had been dynamic budget changes in the Tennis Center and Amphitheater budgets during the last 12-18 months. He said they were open to suggestions. Brooks reiterated that the Development Authority was open to questions and he gave his personal assurances that every question would be answered, although he acknowledged that, due to philosophical differences about how the center should be run, they might not like all the answers they received.

McMenamin asked Brooks to go over the management of the facilities. Brooks noted that at one time there was a subcommittee that oversaw each facility. During the last 18 months, all the Development Authority members had become involved. He said they were already working on some of the areas of concern. Gardner said they tried to be constructively critical in their presentations. He added it was easy to criticize, but hard to fix. Brooks noted that Christian no longer made money based on lessons and had given money back to the Authority. The Authority had changed Christian's responsibilities and he was multi-tasked as the executive director. Brooks told Gardner he was disappointed that Gardner felt he had to come to Council and disappointed Gardner had not come to the Development Authority first.

Development Authority member Scott Bradshaw addressed Council. He pointed out that the Development Authority had not asked the City to pay off its debts. The City asked the Development Authority. The 15-year agreement with the City was the Development Authority's collateral for loans. Bradshaw said the City felt the authority was getting too much hotel/motel tax money and suggested taking over the Authority's debt service in order to reduce the amount paid to the Development Authority.

Bradshaw addressed the comment that the Tennis Center should be a place to play and socialize. He explained these kinds of venues were event facilities. The Authority created events that brought people to the City. Those people brought in money and filled up motel rooms. A secondary benefit was the availability of the center for residents to use and enjoy. Bradshaw also pointed out that the Development Authority met the third Monday night of each month at the library. The meetings were always open to the public, although few from the public ever attended. Bradshaw said he had talked to McDonald about his complaints and he found some were legitimate and some were not.

Former Mayor Bob Lenox addressed Council and said the idea for the Tennis Center came from Chase Broward, who at the time worked for the Peachtree City Development Corporation. Lenox said part of the problem was no one had a sense of history and no one knew all the facts. He said there was history and it was important to understand it. Everything done for the Amphitheater and Tennis Center was driven by and approved by Council. Lenox continued that the presentations would have been good if they had been made to the Development Authority. He said this was a hatchet job against Virgil Christian.

Tennant said a lot of hurt feelings could have been avoided if the matter had been handled professionally and taken through the appropriate process. He encouraged those attending the meeting to go through the authorities in place before bringing a matter to Council. He said he regretted what happened and he knew Christian to be a fine man.

Weed said what happened was a prime example of what he had argued about for a month. He noted that this Council was not afraid of having its feelings hurt and this Council had met more than any Council to discuss citizen concerns. Weed said he was not against allowing people to speak. He was a public official who had signed up for the criticism, but the process needed order. Weed said events at this meeting had bordered on chaos. He wanted order if it required a three-minute limit for each speaker. Weed continued there was a difference between a public hearing and a public meeting. He wanted to engage the process, form a workshop committee, sit down in a room, and hammer away at a way to run such meetings. Tennant pointed out that it was the Mayor's job to run the meetings and he was elected to do that. Brown said he wanted to let people have a free say. He knew how it felt to be denied the opportunity to speak. Weed said it needed to be organized to run efficiently. McMenamin noted that Lenox had set time limits when he was mayor. He let everyone speak and reminded them to add new information, not to make the same statements again and again.

Weed said Council needed to come up with concrete rules for public hearings, disseminate the rules to the public, and be consistent in enforcing the rules. Brown noted that he had given the Tennis Center members four and one-half hours to speak last year at an earlier meeting. These people needed to speak also. Weed pointed out that order did not stifle speech. He was not advocating limiting free speech, but he was advocating decorum.

Brown said he had made an Open Records Request for several things from the Development Authority and had not received the materials. He said Salvatore had also made an Open Records Request and not received materials. Brown continued that polite letters were written back and forth and that he made the request again at a Development Authority meeting. He needed to know where the Authority's debt came from and he still did not have that information. The auditors, Mauldin and Jenkins, also made the same request. Christian said he called Mauldin and Jenkins and they never returned his calls. The auditors would have the information the next day.

Brown said the City was jeopardy of losing its Georgia Finance Officers Association (GFOA) accreditation because they did not have the requested information. The documents were needed to show the money was used for capital expenses. Tennant asked what the ramifications of losing the GFOA accreditation were. Brown said the City had the accreditation for 15 years and losing it would look bad.

Council/Staff Topics

Rapson pointed out that any Council Member could make a motion to set time limits. He asked the Council to remember to be respectful, professional, and factual. Weed agreed. He said if everyone knew the rules, the comments could be limited.

Brown said he had written County Commission Chairman Greg Dunn regarding the Lake Peachtree dredging. The commission was planning to use the barge method for the dredging. There was not an agreement to remove silt from the tributaries. Staff needed to draft a letter about the tributaries. He said the cost would be $36,366.

Brown continued that the final Teen Study Circle meeting would be Thursday, March 13, 6:30 p.m., in Council Chambers.

McMenamin noted a letter Brown had sent out regarding regional transportation issues and a meeting he was trying to schedule to discuss the issue. She said she received a letter from Dunn that indicated the Transportation Improvement Plan (TIP) would be updated soon. McMenamin suggested the meeting be postponed until after the update so they would know the County and Atlanta Regional Commission's plans for the future. Brown said the meeting was just organization and he saw no need to wait.

Brown moved to reconvene in executive session for a legal matter and a personnel matter. Rapson seconded. The motion carried unanimously.

Brown moved to reconvene in regular session. Rapson seconded. The motion carried unanimously.

Weed moved to authorize Rick Lindsey to negotiate legal costs for the lawsuit as discussed in executive session. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, Brown moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 11:16 p.m.

Jane Miller, City Clerk

Stephen D. Brown, Mayor

Pamela Dufresne, Recording Secretary